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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
BEASTIE BOYS, A NEW YORK	:	
PARTNERSHIP, MICHAEL DIAMOND,	:	
ADAM HOROVITZ AND DECHEN YAUCH	:	12 Civ. 6065 (PAE)
AS EXECUTOR OF THE ESTATE OF ADAM	:	
YAUCH, DECEASED, EACH INDIVIDUALLY	:	NOTICE OF MOTION
AND COLLECTIVELY D/B/A/ BROOKLYN	:	
DUST MUSIC,	:	
	:	
Plaintiffs,	:	
-v-	:	
	:	
MONSTER ENERGY CORPORATION,	:	
	:	
Defendant.	:	
	:	
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PLEASE TAKE NOTICE that upon the annexed declaration of Thomas M. Monahan, dated February 14, 2014, and the exhibits annexed thereto, the accompanying memorandum of law, and upon all the other papers and pleadings heretofore filed, plaintiffs Beastie Boys, a New York Partnership, Michael Diamond, Adam Horovitz, and Dechen Yauch, as Executor of the estate of Adam Yauch, deceased, each individually and collectively d/b/a/ Brooklyn Dust Music, hereby move this Court before the Honorable Paul A. Engelmayer in the United States District Court for the Southern District of New York, 40 Foley Square, Courtroom 1305, New

York, New York 10007, for an order precluding the anticipated testimony of Eric Joachimsthaler, Defendant's proposed expert, pursuant to Fed. R. Evid. §§ 401, 403, 702, and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and its progeny, together with such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Order of this Court dated January 13, 2014, opposition papers, if any, must be filed on or before February 19, 2014.

Dated: New York, New York
February 14, 2014

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By: /s/ Kevin R. Puvalowski
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